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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 ARMANDO MORALES,

12 Petitioner,

13 v.

14 DARREL ADAMS, Warden

15 Respondent.

Civil No. 08-0705 JAH (PCL)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

16 Petitioner, a state prisoner proceeding pro se, has filed a Petition for Writ of Habeas
17 Corpus pursuant to 28 U.S.C. § 2254, but has failed to pay the \$5.00 filing fee and has failed to
18 move to proceed in forma pauperis. Because this Court cannot proceed until Petitioner has either
19 paid the \$5.00 filing fee or qualified to proceed in forma pauperis, the Court **DISMISSES** the
20 case without prejudice. See Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed
21 with this case, he must submit, **no later than June 20, 2008**, a copy of this Order with the \$5.00
22 fee or with adequate proof of his inability to pay the fee. *For Petitioner's convenience, the Clerk*
23 *of Court shall send a blank Southern District of California In Forma Pauperis Application to*
24 *Petitioner along with a copy of this Order.*

25 **IT IS SO ORDERED.**

26 DATED: April 22, 2008

27 
28 John A. Houston
United States District Judge